

PATENT
Docket No. 110.01760101IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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APR 13 2004

OFFICIAL

Applicant(s): Iwao Iwasaki)

Group Art Unit: 1724

Serial No.: 10/081,176)

Examiner: Thomas M. Lithgow

Confirmation No.: 2734)

Filed: February 22, 2002)

For: SEPARATION APPARATUS AND METHODS

RESPONSE TO RESTRICTION REQUIREMENT
AND SPECIES ELECTIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Election/Restriction Requirement mailed March 19, 2004, Applicant elects, with traverse, Group I (claims 1-18), drawn to a method for separating magnetic material from non-magnetic material. Additionally, with respect to the method of Group I (claims 1-18), Applicant elects, with traverse, claims directed to the hydroseparator species. It is believed that claims 1-10 and also claims 13-15 are generic to the identified species. Further, claims 11-12, as well as claims 1-10 and 13-15 read on the hydroseparator species.

Applicant respectfully requests reconsideration and withdrawal or modification of the restriction requirement between Group I and II. It is respectfully submitted that the inventions (methods and apparatus) as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the other. This can be readily seen from the similarity of the structural elements of the generic method claim 1 and generic method claim 19.

Furthermore, with respect to the species election, this election is made with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicant traverses on the grounds that the generic claim includes sufficiently few species that a

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Response to Restriction Requirement and Species Election

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search and examination of all the species at one time would not impose a serious burden on the Examiner.

Applicant reserves the right to pursue examination of any non-elected claims in continuation or divisional applications.

The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number if prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of April, 2004, at 9:40 am (Central Time).

Sue Dombroske
Sue Dombroske

13 April 2004
Date

MJG/skd

Respectfully submitted for
Iwao Iwasaki

By
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Applicant(s): Iwao Iwasaki) Group Art Unit: 1724
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FACSIMILE TRANSMISSION TO THE PTO

Commissioner for Patents
Attn: Examiner Lithgow
P.O. Box 1450
Alexandria, VA 22313-1450

FAX NUMBER: (703) 872- 9306
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☒ Small Entity Status is entitled to be asserted in the above-identified application.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895.

Mueiting, Raasch & Gebhardt, P.A.
Customer Number: 26813

13 April 2004
Date

By: Mark J. Gebhardt
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April 13, 2004
Date

Signature: Sue Dombroske
Name: Sue Dombroske

If you do not receive all pages, please contact us at (612)305-1220 (ph) or (612)305-1228 (fax).